

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JoAnne Dunham,	:	CIVIL ACTION
	:	NO. 19-cv-2554
Plaintiff	:	
v.	:	
	:	
Deloitte LLP,	:	
	:	
Defendant.	:	

**ORDER**

**AND NOW**, this **23rd** day of **December, 2019**, after considering Defendant's Motion to Dismiss (ECF No. 25) and Defendant's Motion to Grant Motion to Dismiss as Uncontested (ECF No. 26) it is hereby **ORDERED** that:

1. Defendant's Motion to Dismiss (ECF No. 25) and Defendant's Motion to Grant Motion to Dismiss as Uncontested (ECF No. 26) are **GRANTED**;
2. Plaintiff's Amended Complaint is **DISMISSED**;<sup>1</sup> and

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<sup>1</sup> The Court has intervened in this litigation three times: (1) when Plaintiff first failed to respond to the motion to dismiss in a timely manner, (2) when Plaintiff failed to file an affidavit pursuant to this Court's order, and (3) when Plaintiff failed to file the amended complaint in a timely manner pursuant to this Court's order. Plaintiff once again has failed to respond to the motion to dismiss in a timely manner. Plaintiff was required to respond to the motion to dismiss within 14 days. E.D. Pa. Civ. R. 7.1(c). And the Court may grant the motion not responded to as uncontested. See United States v. Eleven Vehicles, 200 F.3d 203, 214 (3d Cir. 2000) ("The court, under the rule, 'may,' but is not mandated, to grant the motion as uncontested."). Because this dismissal is without prejudice, the Court does not need to apply the Poulis factors before dismissing the case for failure to prosecute. Cf. Poulis v. State Farm Fire & Cas. Co., 747 F.2d 863, 868 (3d Cir. 1984) (requiring consideration of six factors before dismissing a case with prejudice due to noncompliance with a Court order).

3. The Court retains jurisdiction for 90 days to refer the plaintiff's attorneys to the relevant disciplinary board and to impose monetary sanctions under Rule 11, 28 U.S.C. § 1927, and its inherent power.

AND IT IS SO ORDERED.

/s/ Eduardo C. Robreno  
EDUARDO C. ROBRENO, J.